



TOWN OF HOPEDALE
ZONING BOARD OF APPEALS
TOWN HALL
78 HOPEDALE STREET
HOPEDALE, MA 01747

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Groundwater Protection District

Through numerous Town Meeting votes over many years, residents of Hopedale have established a robust and comprehensive groundwater protection by-law that established a Groundwater Protection District. This district is known as an "overlay" zoning district because it is superimposed on other zoning districts. See Hopedale Zoning By-Laws §§ 17.1 through 17.8. This overlay district "shall apply to all new construction, reconstruction, or expansion of existing buildings and new or expanded uses." Hopedale Zoning By-Laws § 17.2.

The Groundwater Protection District has been established for a number of purposes: (1) to promote the health, safety, and general welfare of the community by ensuring an adequate quality and quantity of drinking water; (2) to preserve and protect existing and potential sources of drinking water; (3) to conserve natural resources; and (4) to prevent temporary and permanent contamination of the environment. Hopedale Zoning By-Laws §§ 17.1(a)-17.1(d).

This overlay district is designed to protect many aspects of the environment, but specifically targets stream corridors (such as the Mill River), lakes and ponds, wetlands, watersheds, and aquifers. Since the 1940's, Hopedale has obtained its drinking water through wells that draw water from an aquifer below the surface of the ground. This aquifer recharges over time and faces an ever-present risk of contamination from groundwater. The overlay district is essential for protecting all of Hopedale's natural water resources and ultimately the health of residents.

Given the broad and salutary purposes of the Groundwater Protection District, the by-laws strictly limit permitted uses in the district, expressly prohibit many other uses, and authorize other uses only through a special permit issued by the Zoning Board of Appeals. See Hopedale Zoning By-Laws §§ 17.6(a)(1)-(8) (permitted uses); §§ 17.6(b)(1)-(16) (prohibited uses); and §§ 17.6(c)(1)-(6) (uses allowed by special permit). The process for obtaining a special permit in a Groundwater Protection District is quite rigorous and more demanding than an ordinary special permit. See Hopedale Zoning By-Laws §§ 17.7(a)-(g).

Authorized uses in the Groundwater Protection District are strictly and specifically identified in the Hopedale Zoning By-Laws. Permitted uses are limited to uses such as conservation areas, recreation areas, walking and riding paths, and limited residential development. Hopedale Zoning By-Laws §§ 17.6(a)(1)-(8). Prohibited uses include uses such as landfills, dumps, storage of petroleum, storage of deicing chemicals, storage or use of hazardous materials, and junkyards. Hopedale Zoning By-Laws §§ 17.6(b)(1)-(16). Other uses may be authorized by a special permit issued by the Zoning Board of Appeals. Hopedale Zoning By-Laws §§ 17.6(c)(1)-(6).

A special permit may only be granted following a public hearing after which the Zoning Board of Appeals is satisfied that the "specific criteria" under the by-laws are met. Hopedale Zoning By-Laws § 17.7(a). An applicant must provide "sufficiently detailed, definite, and credible information to support positive findings in relation to the standards" set forth in the by-laws. Hopedale Zoning By-Laws § 17.7(a).

The Groundwater Protection District includes vast amounts of property in Hopedale. Before embarking on any development project in Hopedale, reference should be made to the Hopedale Zoning By-Laws and updated zoning map. Both of these materials are available on this website.

Because the Groundwater Protection District is an "overlay" district, "[a]pplicable activities or uses in one portion of the underlying zoning districts which fall within the Groundwater Protection District must additionally comply with the requirements of this district." Hopedale Zoning By-Laws § 17.2. Note that the Hopedale Zoning By-Laws apply to all properties in Hopedale, and any dispute over the scope of the Groundwater Protection District must be resolved by the Zoning Board of Appeals. Hopedale Zoning By-Laws § 17.5. The property owner bears the burden of proof and must furnish adequate documentation. Hopedale Zoning By-Laws § 17.5.